



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,847	11/30/2005	Vladimir Markovic	PIP-051531	7088

56973 7590 11/13/2007
THE WATSON INTELLECTUAL PROPERTY GROUP, PLC
3133 HIGHLAND DRIVE
SUITE 200
HUDSONVILLE, MI 49426

EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
----------	--------------

3611

MAIL DATE	DELIVERY MODE
-----------	---------------

11/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/558,847

Applicant(s)

MARKOVIC, VLADIMIR

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Numerous terms lack antecedent basis and relationships to other claimed structure. Terms lacking antecedent basis in claim 1 are the "supplementary driving mechanism", "the muscle-driven vehicle", the whole driving force", "the driving lever", "the driving wheel", "the centre of the hollow axle", "the bearing system", "the vertical mechanical rotating element", and "the entire mechanism". It is not clear what is "in the centre of the hollow axle", and what effects "steering the driving direction" in the claim. The lack of antecedent basis in the claims creates a lack of clarity as to which elements are part of the claimed invention and whether claims 3 and 4 are intended to be dependent claims.

In claim 2, "the horizontal axle", "the front mobile wheels" and "the wheelchair" lack clear antecedent basis in the claim.

In claims 3, numerous terms lack clear antecedent basis, as in claim 1. Also, the term "optional", in lines 5 and 7, is indefinite. It is not clear if the "optional" structure is positively claimed.

In claim 4, numerous terms lack clear antecedent basis in the claim and lack relationships between the claimed structures. In line 4, "The supplementary drive", "the muscle-driven vehicle", "the whole driving mechanism referred to in this invention", "the driving and steering lever", and "the steering handle" lack clear antecedent basis in the claim.

Art Unit: 3611

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gu (USPN 6,676,148).

Gu shows a supplementary driving mechanism including arm-muscle propulsion. The mechanism includes a driving lever 20 generating pushing and pulling force that is transmitted through a follow axle and bearing tube 11 to drive a wheel mounted to a vertical rotating element 40 that allows the wheel to be steered in the driving direction.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ordelman et al. (USPN 5,501,480).

Ordelman shows a supplemental driving system with a lever (crank to which handles 11, 27 are mounted) that applies manual pushing and pulling force to drive a wheel 3 mounted forward of the front wheels of a wheelchair. The handle of Figure 5 includes a semi-circular handle with a number of possible gripping areas 45, 47.

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Beddome (USPN 5,242,179).

Beddome shows a wheelchair with a supplemental driving mechanism 56, 58, 60 that can be turned forward and folded under the wheelchair seat, as seen in Figure 16. Drive and steering levers 72 may be folded and fixed in an appropriate position (also shown in Figure 6)

Art Unit: 3611

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Needman, Zirilo, Kugler, Barrett, and Lee show hand driven wheelchair attachments.

Ferguson shows an arm driven propulsion mechanism where drive is transmitted through the head tube of the bicycle.

Lukyanov shows a reciprocating hand lever for driving and steering a wheel.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 11/8/07

Anne Marie M. Boehler
Primary Examiner
Art Unit 3611

amb